

Exhibit A
Memorandum Opinion
Schmalfeldt v. Hoge, et al., (Case No. 13C15102498)

WILLIAM SCHMALFELDT, SR.

CIRCUIT COURT

Plaintiff

ENTERED

FOR

JUN 23 2015

v.

CLERK, CIRCUIT COURT
HOWARD COUNTY

HOWARD COUNTY

WILLIAM JOHN JOSEPH HOGE, ET AL

Case No.: 13-C-15-102498

Defendant

* * * * *

MEMORANDUM OPINION

This case involves Plaintiffs claims for damages from Defendants, based on allegations of harassment, false light invasion of privacy, defamation per se, malicious prosecution, civil conspiracy, tortious interference with business expectancy and intentional infliction of emotional distress which are alleged to have occurred during a longstanding online exchange. The parties are participants in online "blogging." The contents of Defendants' online posts form the basis for Plaintiff's claims.

Defendant Hoge filed two Motions to Dismiss, one for improper venue and the other for failure to state a claim upon which relief can be granted.

Plaintiff is a resident of Howard County, and Defendant is a resident of Carroll County.

Courts and Judicial Proceedings §6-201 reads in relevant part as follows:

"[A] civil action shall be brought in a county where the defendant resides, carries on a regular business, is employed, or habitually engages in a vocation. In addition, a corporation also may be sued where it maintains its principal offices in the State.

(b) If there is more than one defendant, and there is no single venue applicable to all defendants, under subsection (a) of this section, all may be sued in a county in which any one of them could be sued, or in the county where the cause of action arose."

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If Defendant Hoge were the only Defendant in the matter, there is no question that his motion to dismiss for improper venue would be granted. However, Plaintiff argues that there are other Defendants. One, Eric P. Johnson, who is unserved, is alleged to live in Paris Tennessee. The others are referred to as "Anonymous Bloggers aka Paul Krendler and Howard Earl" whose addresses are unknown. At the time the Motions to Dismiss were heard, and as of the date of this writing, Plaintiff has made service of process on only Defendant Hoge. The remaining Defendants are unserved, and there is no ongoing effort to obtain service on them. The original process issued in the case expired almost 2 months ago.

There has been prior litigation between Plaintiff and Defendant Hoge. There was a civil case in the United States District Court, and there were criminal charges and peace order cases filed in Carroll County. The malicious prosecution count refers to these charges arising in Carroll County.

At this juncture, Carroll County, MD would be the appropriate venue for this case. Defendant resides in Carroll County, MD. The acts that gave rise to Plaintiff's complaints occurred in Carroll County MD. None of the other Defendants have been served, and there are no active Writs of Summons pending for service on those Defendants. In the event that Plaintiff renewed efforts to locate and serve the other Defendants, they could be added to a case in Carroll County, if Plaintiff elects to refile in that venue.

Under the current status of the case, the only Defendant against whom the case is currently at issue has properly challenged venue. The Court will dismiss for improper venue.

June 18, 2015
DATE

Marjorie M. Hames
JUDGE